

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF PENNSYLVANIA

INTERNATIONAL MARKET BRANDS,)
Plaintiff and)
Counterclaim Defendant,)
v.) CIVIL ACTION NO: 1:09-cv-00081 ERIE
MARTIN INTERNATIONAL)
CORPORATION,)
Defendant and)
Counterclaim Plaintiff.)

MARTIN INTERNATIONAL)
CORPORATION,)
Third-Party Plaintiff,)
v.)
C.A. CURTZE, INC.,)
JACOBSTEIN FOOD SERVICE, INC., and)
NORTHERN FROZEN FOODS, INC. d/b/a)
NORTHERN HASEROT,)
Third-Party Defendants.)

)

**MARTIN INTERNATIONAL CORPORATION'S
MOTION FOR SUMMARY JUDGMENT**

Pursuant to Federal Rule of Civil Procedure 56, Defendant, Counterclaim Plaintiff and Third-Party Plaintiff Martin International Corporation (“Martin”) hereby moves for summary judgment on Count I of its Counterclaim against Plaintiff and Counterclaim Defendant International Market Brands (“IMB”) and Count I of its Third-Party Complaint against Third-Party Defendants C.A. Curtze, Inc. (“Curtze”), Jacobstein Food Service, Inc. (“Jacobstein”), and

Northern Frozen Foods, Inc. d/b/a Northern Haserot (“Haserot”) for violations of Martin’s trademark rights under 15 U.S.C. § 1114. In support of its Motion, Martin submits a Memorandum, a Statement of Material Facts, the Declarations of Eric D. Levin and Timothy F. Holahan, and an Appendix of Exhibits.

As grounds for this Motion, Martin states that there are no genuine issues of material fact and it is entitled to judgment as a matter of law on its claims against IMB, Curtze, Jacobstein, and Haserot.

WHEREFORE, Martin respectfully requests that the Court:

1. Grant its Motion for Summary Judgment on Count I of its Counterclaim against IMB;
2. Grant its Motion for Summary Judgment on Count I of its Third-Party Complaint against Curtze, Jacobstein, and Haserot.
3. Grant such further relief as is just and proper.

REQUEST FOR ORAL ARGUMENT

Martin respectfully requests that the Court hear oral argument on its Motion for Summary Judgment.

MARTIN INTERNATIONAL CORPORATION

By its attorneys,

/s/ Eric D. Levin

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Dated: November 1, 2010

CERTIFICATE OF SERVICE

I hereby certify that on November 1, 2010, I served a copy of the foregoing document through the ECF filing system and by overnight mail on counsel for International Market Brands, C.A. Curtze, Inc., Jacobstein Food Service, Inc, and Northern Haserot.

/s/ Eric D. Levin
Eric D. Levin